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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/678,117

Applicant(s)

DOYLE, THOMAS JAMES

Examiner

Heather Beegle

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Status of Application

1. Amendment was received on 11/8/2007.
2. Claims 1-50 are pending in this application.
3. Claims 1-50 are amended.

Response to Arguments

Arguments from 11/8/2007 have been considered. However, Arguments are moot based on new grounds of rejection necessitated by the amendments.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Regarding claim 34 and depending claims 33, 35, 36, 42-50, the phrase "evaluation data in said program is predetermined" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Claim 32 states that data is input. Claim 34 appears to contradict the notion of inputted data, by stating that evaluation data is predetermined.

Claim 34, A risk assessment system as claimed in claim 32 wherein said evaluation data in said program is predetermined.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 8, 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Packwood [U.S. Pat. No. 7,006,992] and Masch [U.S. Pat. No. 5,930,762].

Regarding Claim 1, Packwood discloses, A method of assessing the risk to a user thereof by preparing a risk evaluation using a program,

- there being at least three predetermined selections of information for each possible risk factor said selections having a range from minor to major, said method comprising: **(C4 L7-L20)**

(a) inputting to a program

- from said selections **(Abstract, Fig. 1)**

information relating to a plurality of risk factors

- for each risk factor that is applicable; **(Fig. 3)**

(b) causing said program to

- automatically **(Abstract)**

estimate a net risk

- based on said information inputted and based on evaluation data within said program; **(Abstract)**

(c) said program

- automatically **(Abstract)**

producing a risk evaluation for said industrial equipment

- based on said information and based on evaluation data within said program. **(Abstract)**

Packwood does not explicitly disclose,

- industrial equipment
- injury to said user of said industrial equipment

Masch discloses,

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- industrial equipment (**C1 L14-L23, Abstract**)
- injury to said user of said industrial equipment (**C1 L14-L23, Abstract**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Masch in the device of Packwood, in order to allow for risk management decisions in a broad range of areas. (**C1 L14-L23 from Masch**).

Regarding Claim 2, Packwood further discloses, A method as claimed in claim 8 wherein one of said plurality of risk factors (**Fig. 1, 3, C3 L52-L64**)

Masch further discloses, safety characteristics of a particular facility in which said industrial equipment is to be used, said method including the step of estimating a level of risk reduction based on safety characteristics of said particular facility. (**C1 L14-L23, C12 L32-L46**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Masch in the device of Packwood, in order to allow for risk management decisions in a broad range of areas. (**C1 L14-L23 from Masch**).

Regarding Claim 3, Masch further discloses, the step of repeating the method for various pieces of industrial equipment (**C1 L14-L23, C35 L11-L32**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Masch in the device of Packwood, in order to allow for risk management decisions in a broad range of areas. (**C1 L14-L23 from Masch**).

Regarding Claim 4, Masch further discloses including the step of inputting information of risk factors that increase risk together with risk factors that reduce risk. (**C14 L35-L60**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Masch in the device of Packwood, in order to allow for risk management decisions in a broad range of areas. (**C1 L14-L23 from Masch**).

Regarding Claim 8, Packwood further discloses, wherein said method includes the step of predetermining said evaluation data within said program so that said data cannot be changed by said use. (**Abstract**)

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Regarding Claim 32, Packwood discloses, A risk assessment system for use with a computer, said system assessing the risk by preparing a risk evaluation, said system comprising:

- (a) a program on said computer containing evaluation data; **(Abstract)**
- (b) a range of pre-determined risk values for each of a plurality of potential risk factors for which inputs to said program are available **(Abstract, Fig.1, 3)**
- (c) said system displaying each of said risk factors on demand and a range of inputs for each of said risk factors for which inputs are available, there being at least three selections if inputs ranging from minor to major for each potential risk factor; **(C4 L7-L20)**
- (d) said system accepting an input for each risk factor for which inputs are available; **(Fig. 1, 3)**
- (e) said system automatically determining a net value for all of said inputs and automatically producing an assessment of risk based on said inputs and said evaluation data. **(Abstract)**

Packwood does not explicitly disclose,

- industrial equipment
- injury to said user of said industrial equipment

Masch discloses,

- industrial equipment **(C1 L14-L23, Abstract)**
- injury to said user of said industrial equipment **(C1 L14-L23, Abstract)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Masch in the device of Packwood, in order to allow for risk management decisions in a broad range of areas. **(C1 L14-L23 from Masch).**

Regarding Claim 33, Masch further discloses, wherein one of said risk factors is a level of risk reduction based on safety characteristics of a particular facility in which said industrial equipment is to be used. **(C1 L14-L25, C12 L32-L46)**

Regarding Claim 34, Packwood further discloses, wherein said evaluation data in said program is predetermined. **(Abstract)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Masch in the device of Packwood, in order to allow for risk management decisions in a broad range of areas. **(C1 L14-L23 from Masch).**

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8. Claims 5, 6, 10, 12-21, 23-31, 37-40, 42-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Packwood [U.S. Pat. No. 7,006,992] and Masch [U.S. Pat. No. 5,930,762], **as applied to claims 4, 8, 1, 5, 32, 34, 33 above**, and further in view of Bladen, et al. [U.S. Pat. Pub. 2002/0099586].

Regarding Claim 5, Bladen, et al. discloses, A method as claimed in claim 4 including the steps of inputting information by estimating a risk of injury to said user based upon characteristics of said industrial equipment and estimating a level of risk reduction based upon safety features for said industrial equipment. (**¶320**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 6, Bladen, et al. discloses, including the **step of basing said range on a degree of risk attributed to that particular risk factor.** (**¶320**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 10, Bladen, et al. discloses, including the step of inputting owner information into said risk evaluation. (**¶285, Fig. 2F**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 12, Bladen, et al. discloses, wherein said industrial equipment is one piece of industrial equipment and said method includes the steps of inputting information describing characteristics of each hazardous area of said industrial equipment and preparing a separate risk evaluation for each hazardous area. (**¶¶147-149, 317-321**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

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Regarding Claim 13, Bladen, et al. discloses, including the step of estimating a risk of injury to said user based upon characteristics of said industrial equipment as if no guarding has been installed on said industrial equipment. (**¶¶147-149, 317-321**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 14, Bladen, et al. discloses, including the step of evaluating a probability of a risk factor of injury occurrence by inputting a level of risk for a risk factor severity of potential injury, a level of risk for a risk factor frequency of exposure and a level of risk for a risk factor possibility of hazard avoidance, there being no separate input for said probability of hazard occurrence. (**¶¶147-149, 317-321**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 15, Bladen, et al. discloses, including the step of estimating a level of risk reduction based on safety features for said industrial equipment by inputting a level of risk for primary safety elements based on mechanical devices or, alternatively, inputting a level of risk for primary safety elements based upon risk reduction methods that are passive in nature. (**¶¶147-149, 317-321**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 16, Bladen, et al. discloses, where said program permits inputting a level of risk for only one of the primary safety elements. (**¶¶147-149, 317-321**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 17, Bladen, et al. discloses, wherein the step of estimating a level of risk based on safety characteristics of a particular facility in which the industrial equipment is to be used includes the steps of inputting levels of risk for a nature of person exposed to a hazardous area and personal protective equipment worn by persons who are present at or near said industrial equipment from time to time. (**¶¶147-149, 317-321**)

It would have been obvious to one of ordinary skill in the art at the time the invention

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was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 18, Bladen, et al. discloses, wherein the risk estimation includes an evaluation of risk for a probability of hazard occurrence, said method including the step of evaluating a level of risk from said range of risk for risk factors comprising said probability of hazard occurrence. (**¶¶147-149, 317-321**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 19, Bladen, et al. discloses, wherein said safety characteristics of said particular facility include a range of risk for a nature of exposed person, qualifications of exposed person, personal protective equipment and workplace safety policy and said method includes the steps of selecting a level of risk from each range of risk for each risk factor. (**¶¶147-149, 317-321**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 20, Bladen, et al. discloses, including the step of saving said risk evaluation electronically and updating said risk evaluation for said industrial equipment to reflect changes in any of said risk factors. (**¶¶147-149, 317-321**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 21, Bladen, et al. discloses, wherein said program can analyze multiple points of operation on a single piece of industrial equipment and said method includes analyzing each point of operation separately and producing an evaluation for each point of operation on a single piece of industrial equipment, (**¶¶147-149, 317-321**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 23, Packwood further discloses, the step of inputting information (**Fig. 2**)

Bladen, et al. discloses, by estimating a risk of injury to said user based on characteristics of said industrial equipment as if no guarding has been installed on said industrial equipment. (**¶147-149, 317-321**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 24, Packwood further discloses, the step of inputting information (**Fig. 2**)

Bladen, et al. discloses, by estimating a level of risk reduction based on safety features for said industrial equipment. (**¶147-149, 317-321**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 25, Bladen, et al. discloses, including the step of inputting information concerning an additional safety element relating to risk reduction. (**¶149**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 26, A Bladen, et al. discloses, including the step of inherently setting a probability of hazard occurrence at 100%. (**¶328-330**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 27, A Bladen, et al. discloses, including the step of inputting information concerning a probability of hazard occurrence. (**¶328-330**)

It would have been obvious to one of ordinary skill in the art at the time the invention

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was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 28, Bladen, et al. discloses, including the step of inputting information concerning a probability of hazard occurrence within a range from substantially 90% to 100%. (**¶328-330**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 29, Bladen, et al. discloses, including the step of inputting information concerning a probability of hazard occurrence ranging from substantially 50% to 100%. (**¶328-330**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 30, Bladen, et al. discloses, including the step of inputting information concerning a probability of hazard occurrence ranging from substantially 0% to 100%. (**¶328-330**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 31, Bladen, et al. discloses, including the step of inputting information concerning a probability of hazard occurrence over a broad range. (**¶328-330**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 37, Bladen, et al. discloses, wherein the risk factors relate to risk of injury based on characteristics of said industrial equipment and a level of risk reduction based on safety elements. (**¶320**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

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Regarding Claim 38, Bladen, et al. discloses, wherein said risk factors further relate to a level of risk reduction based on a location where said equipment is to be installed.

(¶147-149)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. **(¶ 321 from Bladen et al.)**

Regarding Claim 39, Bladen, et al. discloses, wherein said risk factors further relate to a level of risk reduction based on safety characteristics of a particular facility in which said industrial equipment is to be used. **(¶147-149)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. **(¶ 321 from Bladen et al.)**

Regarding Claim 40, Bladen, et al. discloses, wherein said system requires input identifying an owner of the equipment. **(¶285, Fig. 2F)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. **(¶ 321 from Bladen et al.)**

Regarding Claim 42, Bladen, et al. discloses, wherein said level of risk for each of said risk factors for which inputs are available are available on pop-up menus. **(¶377-379)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. **(¶ 321 from Bladen et al.)**

Regarding Claim 43, Bladen, et al. discloses, wherein said system permits a separate evaluation for each area of hazardous motion of a single piece of industrial equipment. **(¶147-149, 317-331)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. **(¶ 321 from Bladen et al.)**

Regarding Claim 44, Bladen, et al. discloses, wherein said system allows the creation of a new version or an edited version of an existing risk assessment for said industrial equipment provided that inputs are made clearly differentiating any new or edited version from a previous version. **(¶147-149, 317-331)**

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 45, Bladen, et al. discloses, wherein a probability of hazard occurrence is inherently set at 100%. (**¶328-330**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 46, Bladen, et al. discloses, wherein a probability of hazard occurrence has inputs over a broad range. (**¶328-330**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 47, Bladen, et al. discloses, wherein said system has inputs for a probability of hazard occurrence over a range from substantially 90% to substantially 100%. (**¶328-330**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 48, Bladen, et al. discloses, wherein said system has inputs for a probability of hazard occurrence over a range from substantially 80% to substantially 100%. (**¶328-330**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

Regarding Claim 49, Bladen, et al. discloses, wherein said system has inputs for a probability of hazard occurrence over a range from substantially 50% to substantially 100%. (**¶328-330**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

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Regarding Claim 50, Bladen, et al. discloses, wherein said system has inputs for a probability of hazard occurrence over a range from substantially 0% to substantially 100%. (**¶328-330**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bladen et al. in the device of Packwood and Masch, in order to monitor the control measures. (**¶ 321 from Bladen et al.**)

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bladen, et al. [U.S. Pat. Pub. 2002/0099586] as applied to claim 5 above, and further in view of Packwood [U.S. Pat. No. 7,006,992] and Masch [U.S. Pat. No. 5,930,762].

Regarding Claim 9, Packwood discloses, wherein each risk factor for which an input is available has four selections ranging from minor to major and said method includes the steps of inputting a selection for each risk factor that is applicable (**C14 L11-L14**) Masch discloses, industrial equipment. (**C1 L14-L23**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Masch in the device of Bladen et al., in order to aid decision-makers in selecting a good and risk-protected implementable strategy (**Abstract from Masch**).

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bladen, et al. [U.S. Pat. Pub. 2002/0099586] as applied to claim 5 above, and further in view of Herbst, et al. [U.S. Pat. No. 4,632,802].

Regarding Claim 7, Herbst, et al. discloses, the step of establishing said evaluation data based on an equation of $A+B=C$ for each risk factor where A is the capability of said industrial equipment, B is the ability of said user, and C is the result. (**C2 L5-L50, Fig. 4**)

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Herbst, et al. in the device of Bladen, et al., in order to document the profile of risk levels of the plant. **(C9 L21-L38 from Herbst, et al.)**.

11. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Packwood [U.S. Pat. No. 7,006,992] and Masch [U.S. Pat. No. 5,930,762] as applied to claims 1, 8, 2 above, and further in view of Taylor, et al. [U.S. Pat. No. 6,292,830].

Regarding Claim 22, Taylor, et al. discloses, wherein said program allows more than one version of a risk evaluation for said industrial equipment and said method includes the step of creating a new version of a risk evaluation or editing an existing version of a risk evaluation and inputting reasons for creating each version. **(C95, L50-L67, C96 L1-L10)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Taylor et al. in the device of Packwood and Masch, in order to allow the system to learn from feedback. **(Col. 95, lines 40-50 from Taylor et al.)**

12. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Packwood [U.S. Pat. No. 7,006,992] and Masch [U.S. Pat. No. 5,930,762] as applied to claim 33 above, and further in view of Herbst, et al. [U.S. Pat. No. 4,632,802].

Regarding Claim 35, Herbst, et al. discloses, wherein said evaluation data is established based upon an equation of $A+B=C$ where A is the capability of said industrial equipment, B is the ability of said user, and C is the result. **(C2 L5-L50, Fig. 4)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Herbst, et al. in the device of Packwood and Masch, in order to document the profile of risk levels of the plant. **(C9 L21-L38 from Herbst, et al.)**.

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13. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herbst, et al. [U.S. Pat. No. 4,632,802] as applied to claim 35 above, and further in view of Packwood [U.S. Pat. No. 7,006,992].

Regarding Claim 36, Packwood discloses, wherein said report contains inputs for various risk factors. **(Fig. 1-3)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Packwood in the device of Herbst, et al., in order to create a report identifying unacceptable valued risk factors and their immediacy value. **(Abstract from Packwood).**

14. Claim 11, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bladen, et al. [U.S. Pat. Pub. 2002/0099586], and further in view of Bly, et al. [U.S. Pat. Pub. 2002/0087345].

Regarding Claim 11, Bly, et al. discloses, including the step of inputting equipment identification information into said risk evaluation. **(¶36)**

Regarding Claim 41, Bly, et al. discloses, wherein said system requires input relating to an identification of the industrial equipment. **(¶36)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bly et al. in the device of Bladen et al., in order to maximize productivity and to reduce operating costs and administrative burdens. **(Abstract from Bly et al.)**

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is

respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **HEATHER BEEGLE** whose telephone number is (571)270-3333. The examiner can normally be reached on Monday Thru Thursday, 9:00 am to 4:00 pm eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HB

/Harish T Dass/
Primary Examiner, Art Unit 3692